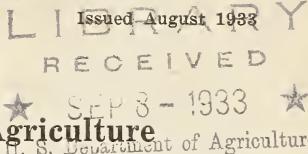


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United States Department of Agriculture
FOOD AND DRUG ADMINISTRATION

NOTICES OF JUDGMENT UNDER THE CAUSTIC POISON ACT

[Given pursuant to section 9 of the caustic poison act]

[Approved by the Secretary of Agriculture, Washington, D.C., August 11, 1933]

12. Misbranding of packages of ammonia. U.S. v. James Butler Grocery Co. Plea of guilty. Fine, \$50. (C.P.A. No. 12. I.S. No. 42784.)

The label of the ammonia on which this case was based bore the word "Poison" in type smaller than the size required by law, and also contained inadequate directions for treatment in case of accidental personal injury.

On February 9, 1933, the United States attorney for the Eastern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States an information against the James Butler Grocery Co., a corporation, Long Island City, N.Y., alleging shipment by said company on or about February 12, 1932, from the State of New York into the State of Connecticut of a quantity of ammonia, the packages of which were misbranded within the meaning of the Federal Caustic Poison Act. The article was labeled: "Butler's Cloudy Ammonia, * * * James Butler Grocery Co., Long Island City, N.Y."

It was alleged in the information that the article contained ammonium hydroxide in a proportion of 5 percent or more and was a dangerous caustic or corrosive substance in packages suitable for household use; and that it was misbranded, since the word "Poison" borne on the label was printed in type less than 24-point size and smaller than the largest type borne on the labels; and in that the label did not bear adequate directions for treatment in case of accidental personal injury.

On February 28, 1933, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$50.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

13. Misbranding of packages of Kolestra No. 2 permanent waving lotion. U.S. v. New York Hair Co. Plea of guilty. Fine, \$25. (C.P.A. No. 15. C.P. No. 52414.)

This case was based on the shipment of a toilet preparation which contained a dangerous caustic and corrosive substance in excess of 5 percent. The common name of the said substance, ammonia, the word "Poison", and the name and place of business of the manufacturer, packer, seller, or distributor, all of which statements are required by law, were not printed on the label.

On January 6, 1933, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States an information against the New York Hair Co., a corporation, New York, N.Y., alleging shipment by said company in violation of the Federal Caustic Poison Act, on or about February 27, 1932, from the State of New York into the State of Louisiana, of a quantity of Kolestra No. 2 permanent waving lotion, which was a dangerous caustic or corrosive substance in packages suitable for household use, and the packages of which were misbranded.

It was alleged in the information that the article was misbranded in that the label affixed to the bottles did not bear and have printed thereon the word "Poison" in type as large as the largest type on the label, or at all; the label did not bear the common name of the dangerous caustic or corrosive substance, ammonia, contained in the article; nor the name and place of business of the manufacturer, packer, seller, or distributor.

On January 9, 1933, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$25.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

14. Misbranding of Klemm's bowl cleaner. U. S. v. 5 Dozen Bottles of Klemm's Bowl Cleaner. Default decree of condemnation, forfeiture, and destruction. (C. P. A. No. 10. S. No. 276.)

This case involved a product in containers suitable for household use which contained more than 10 percent of hydrochloric acid, a dangerous caustic or corrosive substance. The article was not labeled with certain statements required by law to safeguard the use of such products, and bore the warning "Poison" in type smaller than required by law.

On May 17, 1932, the United States attorney for the Southern District of Iowa, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States a libel praying seizure and condemnation of 5 dozen bottles of Klemm's bowl cleaner, which contained a dangerous caustic or corrosive substance in excess of 10 percent. It was alleged in the libel that the article had been shipped in interstate commerce, on or about October 14, 1931, by C. E. Jamieson & Co., from Detroit, Mich., to Davenport, Iowa, that having been so transported it remained in the original unbroken packages at Davenport, Iowa, and that it was misbranded in violation of the Caustic Poison Act.

Misbranding was alleged for the reason that the label on the bottles or packages did not have a statement giving the common name of the dangerous caustic or corrosive substance, namely, hydrochloric acid, contained in the article; for the further reason that the word "Poison" on the label was in type smaller than 24-point size and smaller than the largest type on the label; and for the further reason that the label did not contain directions for treatment in case of accidental personal injury.

On November 1, 1932, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

15. Misbranding of Krab-Go. U. S. v. 17½ Dozen Packages of Krab-Go. Default decree of condemnation, forfeiture, and destruction. (C. P. A. No. 16. Sample No. 30948-A.)

This case involved an interstate shipment of a product in containers suitable for household use which contained approximately 24 percent of carbolic acid, a dangerous caustic or corrosive substance. The common name of the said substance, carbolic acid, the word "Poison", and directions for treatment in case of accidental personal injury, all of which must appear on the labels of a product containing 5 percent or more of carbolic acid, were not printed on the label.

On March 14, 1933, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States a libel praying seizure and condemnation of 17½ dozen packages of Krab-Go at Tacoma, Wash., alleging that the article had been shipped in interstate commerce on or about February 3, 1933, by Henderson & Skipworth, from San Francisco, Calif., to Tacoma, Wash., and that it was misbranded in violation of the Federal Caustic Poison Act.

It was alleged in the libel that the article was misbranded in that it contained 24 percent of carbolic acid, a dangerous caustic or corrosive substance, and the label did not contain the common name of the said substance, to wit, carbolic acid. Misbranding was alleged for the further reason that the word "Poison" and directions for treatment in case of accidental personal injury did not appear on the label.

On June 3, 1933, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*